

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JAMES H. FISCHER,

Plaintiff,

v.

STEPHEN T. FORREST, Jr., SANDRA F.
FORREST, and SHANE R. GEBAUER,

Defendants.

CIVIL ACTION NO.: 14-CV-1304

NOTICE OF MOTION TO DISMISS PURSUANT TO FRCP 12(b)(6)

PLEASE TAKE NOTICE, that upon the pleadings and proceedings heretofore had herein; upon the Affirmation of Daniel K. Cahn dated March 4, 2015, and the accompanying Memorandum of Law, a motion will be made before Hon. Paul Engelmayer, at a date and time to be determined by the Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the copyright and §51 right of publicity claims in the Second Amended Complaint in Docket No. 14cv1304 filed on February 3, 2015 against Defendant Shane F. Gebauer, and for such other, further, and/or different relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to Local Civil Rule 6.l(b), you are required to serve your opposition papers, if any, within fourteen (14) days after service of the moving papers upon you.

Dated: March 4, 2015
Huntington, New York

LAW OFFICES OF CAHN & CAHN, P.C.

Attorneys for Defendants

By: /s/ Daniel K. Cahn

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